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Legislative Update

House Passes H.R. 1319 - The American Rescue Plan Act of 2021

On February 27, 2021, the House passed H.R. 1319, the American Rescue Plan Act of 2021, an spending package that includes \$1.9 trillion to respond to the coronavirus (COVID-19) pandemic. This legislation includes language that provides \$20 billion in additional funding for tribal nations within the Coronavirus Relief Fund, over \$6 billion for Indian Health Service, tribal, and urban Indian health care funding, \$850 million for relief for Bureau of Indian Education funded schools and tribal colleges and universities, and \$455 million for tribal housing assistance. NCAI staff have reviewed the legislation and produced a COVID-19 summary of the tribal provisions as they relate to Indian Country.

To review NCAI's summary of the tribal provisions included in H.R. 1319, please click [here](#).

NCAI staff will continue to monitor the spending package in its entirety and share timely updates as they arise.

NCAI Contact: Fatima Abbas, Vice President of Government Relations, fabbas@ncai.org

House Passes Large Lands Pack: Including Protection for the Grand Canyon

On February 26, 2021, the House of Representatives passed H.R. 803, "Protecting America's Wilderness and Public Lands Act." H.R. 803 was originally introduced by Rep. DeGette (D-CO) as the "Colorado Wilderness Act" on February 4, 2021. The bill was subsequently amended to include eight public lands protection bills, including H.R. 1052, the "Grand Canyon Protection Act," originally introduced by Rep. Grijalva (D-AZ) on February 15, 2021. The Grand Canyon Protection Act, as included in H.R. 803, would permanently withdraw approximately 1 million acres of federal lands surrounding the Grand Canyon from mining and other leases. Representative Grijalva introduced the same legislation during the 116th Congress as H.R. 1373, the "Grand Canyon Centennial Act." H.R. 803 has not yet been reported to the Senate.

Similarly, on February 23, 2021, Senator Kyrsten Sinema (D-AZ) introduced S. 387, a bill to protect, for current and future generations, the watershed, ecosystem, and cultural heritage of the Grand Canyon. Senator Sinema introduced similar legislation during the 116th Congress; S. 3127, the "Grand Canyon Centennial Protection Act." S. 387 was referred to the Senate Committee on Energy and Natural Resources.

NCAI Contact: Darren Modzelewski, *Policy Analyst*, dmodzelewski@ncai.org

S. 421- Western Tribal Water Infrastructure Act of 2021

On February 24, 2021, Senator Ron Wyden (D-OR) introduced and Senator Merkley (D-OR) co-sponsored **S. 421**, the "Western Tribal Water Infrastructure Act of 2021." This bill would amend **Section 2001** (42 U.S.C. 300j-3c) of America's Water Infrastructure Act of 2018 to expand eligible project areas from the Upper Missouri River Basin and the Rio Grande Basin to include the Columbia River Basin and adjacent coastal basin. The bill would also:

1. Reauthorize the Indian Reservation Drinking Water program through 2024;
2. Increase funding from \$20 million per year to \$50 million per year through 2024; and
3. Provide a federal cost-share of 100 percent.

S. 421 was referred to the Senate Committee on Indian Affairs for further consideration.

NCAI Contact: Darren Modzelewski, *Policy Analyst*, dmodzelewski@ncai.org

Administrative Update

NCAI Supports the Confirmation of Representative Deb Haaland as Secretary of the U.S. Department of the Interior

On December 17, 2020, Then-President Elect Joseph R. Biden nominated Representative Deb Haaland to lead the U.S. Department of the Interior (Interior) as its 54th Secretary.

Representative Haaland, a citizen of the Pueblo of Laguna, a 35th-generation New Mexican, and one of the first Native women to serve in the House of Representatives, is immensely qualified to serve her country as Interior Secretary. Interior has a unique fiduciary obligation to tribal nations, and it is critical that Interior leadership and employees reflect the communities it serves.

In November 2020, NCAI passed resolution **#PDX-20-059** supporting the appointment of a Native American as Secretary of the Interior. On January 20, 2021, NCAI sent a letter to Chairman Manchin, Ranking Member Barrasso, and Members of the Senate Committee on Energy and Natural Resources in support of a swift confirmation of Representative Haaland as Secretary of Interior.

To read NCAI's letter of support, please click [here](#).

Contact your Senator today, and let them know you support the confirmation of Representative Haaland as Secretary of the Interior.

To download NCAI's template letter, please click [here](#).

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Social Security Administration Representatives Available for Tribal Nations

The Social Security Administration (SSA) issued a letter to Tribal Community Partners providing contact information for tribal members. Tribal members can speak with a representative by calling their local Social Security office or national representatives.

National representatives can be reached at 1-800-772-1213 (TTY 1-800-325-0778) between 8:00 a.m. and 5:30 p.m. EST Monday through Friday.

To read the Dear Tribal Community Partners Letter, click [here](#).

NCAI Contact: Yawna Allen, *Director of Civic Engagement and Special Projects*, yallen@ncai.org

CDFI Rapid Response Program Grants Application Now Open

The U.S. Department of the Treasury's Community Development Financial Institutions Fund (CDFI Fund)'s FY 2021 CDFI Rapid Response Program is now open. CDFI Rapid Response Program grant funds may be expended for eligible activities such as financial products, financial services, loan loss reserves, development services, capital reserves, and certain operational activities as defined by the Notice of Funding Availability.

All applications must be submitted to the CDFI Fund by **March 25, 2021**. CDFIs must have received Certification from the CDFI Fund as of **February 26, 2021** to be eligible to apply for CDFI Rapid Response Program funds.

For questions, contact the CDFI Fund's Help Desk by submitting a Service Request through your Awards Management Information System (AMIS) account; by e-mail to cdfihelp@cdfi.treas.gov; or by phone at (202) 653-0421.

NCAI Contact: Julia Wakeford, *Policy Analyst*, jwakeford@ncai.org

Deadlines & Dates

Department of Defense Invites Input on Tribal Consultation
Written Comments Due: March 8, 2021

On February 8, 2021, the Department of Defense (DoD) issued an invitation to tribal leaders for input on tribal consultations. This request for input follows President Biden's January 26, 2021 Memorandum, *Tribal Consultation and Strengthening Nation-to-Nation Relationships*.

In particular, please consider offering comments that highlight how the DoD could:

- enhance its consultation efforts;
- identify procedures to ensure that consultation is regular, meaningful, and robust;
- build awareness among tribal leaders of DoD policies on consultation;
- improve Department of Defense Instruction 4710.02: DoD Interactions with Federally Recognized Tribes (available at www.denix.osd.mil/na);
- enhance the capacity of military installation leaders and staff to engage effectively with tribes and foster stronger nation-to-nation relationships;
- protect tribal lands, rights, and resources from impacts related to the ongoing operations of military installations and training activities;
- measure the progress of its ongoing efforts to consult and coordinate with Tribal Nations;
- promote the success of DoD-Tribal partnerships and collaborative efforts;
- address legacy pollution of Tribal lands due to past DoD activity;
- recognize the service and sacrifice of Native American and Alaska Native veterans; and
- communicate with Tribal Nations and tribal-owned businesses about opportunities to work with the Department.

To read the Dear Tribal Leader Letter, click [here](#).

To read President Biden's January 26, 2021 Memorandum, *Tribal Consultation and Strengthening Nation-to-Nation Relationships*, click [here](#).

Written comments should be submitted via email to Department at
DoD_NativeAffairs@keresnm.com

NCAI Contact: Fatima Abbas, *VP Government Relations*, fabbas@ncai.org

BIE Student Progress and Promotion Policy and BIE Certificate of Completion Policy
Consultation Session
Written Comments Due: March 15, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on two draft BIE policies regarding student progress, promotion, and certificates of completion. The purpose of the two policies is to make certain that student promotion is based on the meeting of minimum standards for a high school diploma. Information for these sessions can be found below.

March 4, 2021, 2:00 to 5:00 EST
Teleconference: 888-790-3346
Passcode: 659837

Written comments are due by March 15, 2021.

Comments can be emailed to consultation@bia.gov

Comments can be mailed to:

Travis Clark
1849 C Street NW,
MS 3609,
Washington, DC 20240

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Travis Clark, Deputy Bureau of School Operations BIE, 571-563-5235, sharon.pinto@bie.edu

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Consultation Opportunity: Clean Water Act Section 106 Grants to Tribal Nations

Initial Comments Due: March 15, 2021

On January 13, 2021, the Environmental Protection Agency's (EPA) Office of Wastewater Management announced potential revisions to the Clean Water Act (CWA) Section 106 Tribal Grants guidance. EPA proposes to update Section 106 Tribal Guidance to: (1) update links and out-of-date information; (2) reflect advances in the program during the past 15 years; and (3) allow continued effective support to Tribal Nations, expand tribal water quality programs, and increase staff capacity. The EPA seeks to improve the existing guidance, clarify eligible activities, and better integrate current resources and technical recommendations.

On February 2, 2021 held the first of two informational webinars for the first 60-day comment period. After receiving comments about the revised guidance during the first 60-day comment period, the EPA will share the draft and initiate a second 60-day comment period along with two additional webinars to be scheduled in mid-to-late 2021.

Proposed Section 106 Revisions 1-Page Summary [here](#).

Read the Dear Tribal Leader Letter [here](#).

Read the Tribal Leader Letter Supplement [here](#).

PowerPoint slides from the Webinar [here](#)

Next Webinar:

February 11, 2021, 2:00 to 3:00 EST

You can register for the second webinar [here](#).

Written comments can be emailed to: Wintersteen.jennifer@epa.gov, or mailed to: CWA Section 106 Tribal Program, U.S. EPA, 1200 Pennsylvania Ave, NW (MC 4201M), Washington, DC 20460.

Electronic comments can be submitted [here](#).

For additional information, contact Jennifer Wintersteen, at 406-457-5006 or Wintersteen.jennifer@epa.gov

NCAI Contact Info: Darren Modzelewski, *Policy Counsel*, dmodzelewski@ncai.org

FEMA to Host Virtual Tribal Consultation on FEMA Funeral Assistance Program
Written Comments Due: March 15, 2021

The Federal Emergency Management Agency (FEMA) will host a virtual tribal consultation on March 4, 2021, from 2:00 - 4:00 p.m. EST to gather Tribal Nation input on the FEMA COVID-19 Funeral Assistance Program. In December of 2020 [Congress appropriated two billion dollars](#) for COVID-19 related funeral expenses that individuals and households incurred between January 20, 2020, and December 31, 2020. FEMA is in the process of developing the policies and procedures to deliver COVID-19 funeral assistance to tribal citizens. One of the many policies FEMA is considering an amount cap for individuals seeking funeral assistance reimbursements. FEMA plans to provide the funeral assistance funds through the [Individual Assistance, Individuals, and Household Program Other Needs Assistance Category](#). The COVID-19 Funeral Assistance Program funds will be provided at a 100% federal cost-share.

FEMA staff will start the virtual tribal consultation with an overview of the FEMA Funeral Assistance Program. FEMA staff will then walk tribal leaders through the proposed Funeral Assistance interim policy and procedures. Afterward the floor will open for tribal leader comments.

Tribal Nations can register for the FEMA virtual tribal consultation, [here](#).

Tribal Nations can submit written comments via email to fema-iapubliccomment@fema.dhs.gov or to through their [FEMA Regional Tribal Liaison](#). Tribal Nation written comments are due to FEMA by March 15, 2021.

NCAI Contact: Kelbie Kennedy *Policy Analyst*, kkennedy@ncai.org

**Transportation and Indian School Equalization Program Funding Formulas
Consultation Sessions**
Written Comments Due: March 31, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on a potential update to the Indian School Equalization Program (ISEP) and Transportation formulas. Input will be incorporated in a report with specific recommendations for updating ISEP and Transportation regulations, including the formula and funding distribution methodology. Information for these sessions can be found below.

March 9, 2021, 2:00 to 5:00 EST

Teleconference: 888-982-4689

Passcode: 8247646

March 11, 2021, 2:00 to 5:00 EST

Teleconference: 888-455-9640

Passcode: 4844588

Written comments are due by March 31, 2021.

Comments can be emailed to consultation@bia.gov.

Comments can be mailed to:

Sharon Pinto
1011 Indian School Rd. NW
Building 2 - Suite 352
Albuquerque, NM 87104

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Sharon Pinto, Deputy Bureau of School Operations BIE, 505-563-5235, sharon.pinto@bie.edu

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Federal Acknowledgment Re-Petitioning Consultation Session
Written Comments Due: March 31, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on regulations prohibiting re-petitioning for Federal acknowledgment. Since the rules were updated in 2015, two Federal district courts ruled that the DOI's explanation for its decision to ban re-petitioning was insufficient as a matter of law under the Administrative Procedure Act. DOI is consulting on whether it should reconsider its prior decision to ban re-petitioning.

A session will occur during the NCAI Winter Executive Session (February 21-25, 2021). The specific date, time and location will be listed in the NCAI Agenda and announced on www.bia.gov/asia/raca/regulations-and-other-documents-in-development.

Written comments are due by March 31, 2021.

Comments can be emailed to consultation@bia.gov.

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, 202-273-4680, elizabeth.appel@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Memorandum of Agreement (MOA) on Public Law 102-477 Consultation Sessions
Written Comments Due: April 2, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on an interagency memorandum of agreement (MOA) to implement Public Law 102-477, the Indian Employment, Training, and Related Services Demonstration Act of 1992 (477 Program). This consultation session will provide the

opportunity for Tribes to provide input, raise concerns and suggestions for this process and how the MOA can best support federal implementation of the 477 Program. Information for these sessions can be found below.

January 26, 2021, 2:00 to 4:00 EST
Teleconference: 800-475-8401
Passcode: 1075085

A second session will occur during the NCAI Winter Executive Session (February 21-25, 2021). The specific date, time and location will be listed in the NCAI Agenda and announced on www.bia.gov.

Written comments are due by April 2, 2021.

Comments can be emailed to consultation@bia.gov.

Comments can be mailed to:

Anthony Riley, Chief (Acting) Division of Workforce Development
Bureau of Indian Affairs - Office of Indian Services
1001 Indian School Rd. NW
Unit 225D
Albuquerque, NM 87104

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Anthony Riley, Chief (Acting) Division of Workforce Development, BIA, 505-563-3745, anthony.riley@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Indian Trader Regulations Consultation Sessions
Written Comments Due: March 31, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on the use of Indian Trader regulations as a vehicle for prohibiting dual taxation and will allow Tribes the opportunity to inform the DOI as to whether it should reconsider Indian Trader regulations at some future date. These listening sessions follow 16 consultation and listening sessions Indian Affairs conducted in 2017 on revisions to 25 CFR 140, Licensed Indian Traders. Information for this session can be found below.

March 16, 2021, 2:00 to 4:00 EST
Teleconference: 800-369-1122
Passcode: 5906233

March 18, 2021, 2:00 to 4:00 EST
Teleconference: 800-857-5055
Passcode: 6951606

Written comments are due by March 31, 2021.

Comments can be emailed to consultation@bia.gov.

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Elizabeth Appel, Director, Office of Regulatory Affairs & Collaborative Action, 202-273-4680, elizabeth.appel@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

Eligibility Criteria for Construction Assessments of Public Safety and Justice Facilities Consultation Session

Written Comments Due: April 30, 2021

On December 18, 2020, Assistant Secretary of Indian Affairs Tara Sweeney announced two virtual tribal consultation sessions on the revised approach to improving the condition of public safety and justice facilities, such as detention centers. The approach would assess the conditions of facilities and determine a site-by-site solution to get each facility to and maintain them at a "good" status. BIA is seeking input on the eligibility criteria for construction assessments. Information for these sessions can be found below.

March 23, 2021, 2:00 to 5:00 EST
Teleconference: 888-982-7291
Passcode: 6884022

Written comments are due by April 30, 2021.

Comments can be emailed to consultation@bia.gov.

To view the Dear Tribal Leader Letter on this subject, please click [here](#).

For additional information, contact Judith Wilson, Director, Office of Facilities, Property and Safety Management, 703-390-6314, judith.wilson@bia.gov

NCAI Contact: Amber Holland, *Wilma Mankiller Policy Fellow*, aholland@ncai.org

HHS Tribal Consultation on Presidential Memorandum
Written Comments Due: March 26, 2021

On March 2, 2021, Acting Secretary of the U.S. Department of Health and Human Services Norris Cochran announced a series of tribal consultation sessions on the Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships. HHS is seeking recommendations and feedback on how they can improve the Department's policies, and practices to better engage with Indian Country through meaningful consultation. Consultation times, dates and links are below:

- Monday, March 22, 2021 (10:00 a.m. - 1:00 p.m. ET).
 - To register for Regions 1, 2, 3, & 4, please click [here](#).
- Monday, March 22, 2021 (2:00 p.m. - 5:00 p.m. ET).
 - To register for Region 5, please click [here](#)
- Tuesday, March 23, 2021 (2:00 p.m. - 5:00 p.m. ET).
 - To register for Regions 7 & 8, please click [here](#).
- Wednesday, March 24, 2021 (10:00 a.m. - 1:00 p.m. ET).
 - To register for Region 6, please click [here](#).
- Wednesday, March 24, 2021 (2:00 p.m. - 5:00 p.m. ET).
 - To register for Region 9, please click [here](#).
- Thursday, March 25, 2021 (2:00 p.m. - 5:00 p.m. ET).

- To register for Region 10, please click [here](#).

To view the Dear Tribal Leader Letter, please click [here](#).

Comments and recommendations can be sent to consultation@hhs.gov no later than March 26, 2021.

NCAI Contact: Nick Courtney, *Director of Policy*, ncourtney@ncai.org

